

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE WINSTON WILLIS)	CASE NO. 1:10MC0011
)	
Movant.)	
)	JUDGE DONALD C. NUGENT
)	
)	
)	MEMORANDUM OF OPINION
)	<u>AND ORDER</u>

Movant *pro se* Winston Willis, a debtor in a bankruptcy case, has filed a Motion to Reopen his bankruptcy case that was filed in the Bankruptcy Court for the Northern District of Ohio and that appears to have been closed in 1986. He filed this Motion pursuant to Rules 60(b) (3),(4), (5) and (6) of the Federal Rules of Civil Procedure and 11 U.S.C. §§ 350(b), 362(h), 501 and 502(j).


11 U.S.C. § 350(b) provides that “[a]case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.” This provision gives a bankruptcy court discretion to reopen a bankruptcy case when sufficient cause exists. *In re Piazza*, 1996 WL 148280 * 3 (E.D. La., Mar. 29, 1996). If the Court grants Movant’s Motion to Reopen it would be heard by the bankruptcy court. Therefore, whether or not to allow reopening should be decided by a bankruptcy judge. *In re Nylon Net Co.*, 225 B.R. 404, 405 (Bkrcty.W.D. Tenn.,1998) (requests to reopen a closed case shall be decided based on the particular facts of each case, within the discretion of the bankruptcy judge).

Accordingly, Movant's Motion to Reopen is denied.

IT IS SO ORDERED.

Date:

April 20, 2010



JUDGE DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE